

## **REMARKS**

### **Introduction**

Claims 1-21, 23-25 and 27-37 are pending. Claims 11-21, 23-25, and 27-32 are withdrawn from consideration and some of these claims have been amended in formal regards so as to be rejoinable under the *In re Ochiai* guidelines where products and processes of same scope can be allowed in the same application. Claim 1 has been is amended to insert a step f) optionally conducting at least a cold-rolling, aging treatment, and/or cutting operation. Claim 1 has also been amended to recite that the yield strength  $R_{p0.2}$  of the laminated product is at least 250 Mpa, the fracture strength  $R_m$  of the laminated product is at least 280 MPa, and the elongation at fracture of the laminated product is at least 8%. Support for the amendment can be found throughout the specification and claims as originally filed, for example Claim 11 page 4 lines 21-25, page 9 line 30 -(as-filed). No new matter has been added.

Claims 35 to 37 have been added, based on page 4 line 25 and claim 12 (claim 35), page 14 line 24 to page 15 line 9 and claims 13 to 16 (claims 36-37).

Claim 5 has also been amended to be presented in independent form and to include the features of amended claim 1.

Entry of the instant amendment and favorable reconsideration are earnestly solicited.

### **The Interview**

On January 29, 2010, an interview was conducted. Applicants gratefully acknowledge the courtesies extended to Applicants and their Representatives during the Interview. The content of the interview was a discussion of the present claims and the prior art cited.

### **Claim Rejections – 35 U.S.C. §112, 2<sup>nd</sup> paragraph**

In response to the 112, second paragraph rejection, further optional operations are included in claim 1. As such, this rejection is now believed to be improper and should be withdrawn.

Claim Rejections – 35 U.S.C. §103

*Rejection over Cho (US'394)*

In the Office Action mailed December 1, 2009, the claims were rejected based on US'394 to Cho. This rejection is respectfully traversed for at least the following reasons.

US'394 is directed to a process designed to make unrecrystallized 7xxx products. It is respectfully submitted that US'394 does not teach a process as recited in claims 1 or 5 which both recite a specific exclusive list of steps which is evidenced by the instant recitation of the claim language “consisting of.” That is, heat treating is not carried out as a separate step. US'394 includes more steps than instantly claimed and does not suggest that they can be removed. In this regard, the process taught by US'394 includes two reheating and rapidly cooling operations and an intermediate precipitation heat treatment. By the inclusion of these additional steps, the claim language of instant claims 1 and 5 is not taught or suggested by US '394.

US '394 requires the following:

- Reheating and cooling after a first hot rolling step (col 3 lines 52 to 60)
- Precipitation heat treatment thereafter (Col 3 – lines 64 to 68)
- Solution heat treatment quenching after cold or warm rolling (Col 4 – lines 23 to 31).

For all these reasons, it is respectfully submitted that the instant rejection based on US'394 is improper and should be withdrawn.

*Rejection over US'394 in view of Wyatt-Mair (US'879)*

In the Office Action dated December 1, 2009, the claims were rejected based on US'879. This rejection is respectfully traversed for at least the following reasons.

US'879 is directed to a process including a continuous « in-line » process for non heat-treatable can body stock, 3000 and 5000 series (col 7 lines 37-49). In US'879 what is « in-line » is casting and rolling. The annealing step avoided in US'879 (col3 line 29) relates to annealing of the as-cast product, not to intermediate heat treatments needed for heat treatable alloys. There is no indication that the process of US'379 may be used for Al-Zn-Mg heat

treatable alloys – the term “annealing” is not used by one skilled in the art for solution heat treatment. Moreover, teaching related to cooling in US’879 is related to cooling between casting and rolling (col 6 lines 42 to 65), which is different from cooling between two hot rolling steps in order to obtain solution heat treatment as instantly claimed.

The products for which US’879 is used (3000 or 5000 alloys) are clearly different from Al-Zn-Mg type products of the present claims (see, *i.e.* claims 1, 2, 4 and 5). First the chemical composition is different. Moreover, the mechanical properties disclosed in US’879 (elongation of 4.4%, column 8 line 3) clearly differ from the mechanical properties recited in the present claims 1 and 5, which both recite at least 8%.

It should also be noted that new claims 35 and 36 describes products features which are specific to heat treatable alloys and even for claim 36 specific to 7xxx series alloys.

For all these reasons, it is respectfully urged that the instant rejection based on US ‘879 is improper and should be withdrawn.

#### *Request for Rejoinder*

Applicants respectfully request rejoinder of the withdrawn claims in view of the *In re Ochiai* guidelines. The USPTO requires examination and allowance of products, processes of making and processes of use in the same application. Since the elected claims are believed to be allowable for all the reasons advanced above, and the withdrawn claims are of the same scope, the USPTO is respectfully requested to rejoin the withdrawn claims and allow all pending claims in the present application.

#### **CONCLUSION**

In view of the foregoing remarks, Applicant respectfully asserts that the rejections as set forth in the Office Action of December 1, 2009, have been addressed and overcome. Applicant further respectfully asserts that all claims are in condition for allowance and requests that a Notice of Allowance be issued. If issues may be resolved through Examiner’s Amendment, or clarified in any manner, a call to the undersigned attorney at (202) 508-3450 is courteously solicited.

Applicants believe that no fee is due. However, the Commissioner is hereby authorized to charge deposit account 50-4254 for any deficiency of fees or credit .any overpayments.

Respectfully submitted,

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